FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.981 OF 2005
IN
APPEAL FROM ORDER NO.292 OF 2001

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. P.M.Arjunwadkar i/b Mr G.S.Godbole for the applicant.

Mr Prashant Patil h/f Mr Umesh Mankapure for respondent no.1.

CORAM : D.B.BHOSALE,J.
DATED : 22nd November, 2007

P.C.:

Heard learned counsel for the parties.

Mr.Arjunwadkar, learned counsel for the applicant, submits that he has instructions to press prayer (a-1) in the application only. By this prayer, the applicant has prayed for permission to construct a compound wall and for laying down floor tiles in the open courtyard of the suit premises. The respondents have opposed the prayer by filing reply affidavit dated 13.8.2007. The respondents have made a categoric statement in paragraph 4 of the reply that a compound wall already exits and there is no need to construct a new or another compound wall.

Keeping that in view and considering other averments in the affidavit, I am not inclined to grant the prayer (a-1) in the application. Hence, the application is rejected.

At this stage, my attention was invited to paragraph 5 of the order dated 17.4.2001. In this paragraph the learned Single Judge had directed the trial court to dispose of Civil Suit No.83 of 2000 within eight months from the date parties appear before it. The order was passed in April,2001. I am informed that the suit has not been disposed of by the trial court as per the order dated 17.4.2001. In the circumstances, Registrar (Judicial) shall seek explanation from the learned Judge as to why he could not dispose of suit no.83 of 2000 in pursuance of the directions of this court. The Registrar shall also inform the learned Judge to dispose of the suit as expeditiously as possible and in any event within six months from the date of receipt of this order. Parties are directed to communicate this order to the learned Judge hearing the suit within two weeks from today. The civil application is disposed of.

(D.B.BHOSALE,J.)